IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44566 of 2008
MD.NASIM @ FAROOQUE @ MD.ASRAF
Versus
STATE OF BIHAR
With
Cr.Misc. No.44749 of 2008
TENI @ RAJA @ FEROZ
Versus
STATE OF BIHAR
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2. 24.11.2008 Heard Sri Anamul Haque, Advocate for the petitioner Md. Nasim @ Farooque @ Md. Asraf, Sri Kamal Kishore Singh, Advocate for petitioner Teni @ Raja @ Feroz and the learned A.P.P. for the State.

Some persons were reported to be assembled at a place for having made preparation for committing dacoity. The police reached there and the assembly started dispersing, some persons were chased and caught.

As regards petitioner Md. Nasim @ Farooque @ Md. Asraf, he was found in possession of a country made rifle loaded with .315 cartridge. The petitioner was also found possessing four other cartridges of similar type and a cellular phone.

As regards petitioner Teni @ Raja @ Feroz, he was found in possession of two live bombs.

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The contention is that the implication is false and the recoveries are mere transplants. The next contention was that none had assembled in the manner as alleged. It was also contended that the offences under Sections 399, 402 or 414 IPC may not be applicable in the facts of the case.

This court does not have any other option at this stage of limited application of its discretionary jurisdiction to say that it could not be a case under Section 399 or 402 IPC. Similarly, the court could not reject the recoveries as transplants.

Petitions are dismissed.

(Dharnidhar Jha, J.)

B.Kr.

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